

### **REMARKS**

Applicants' Attorney wishes to thank Examiner Boyd for the courtesies exchanged in the personal interview of February 9, 2006.

In the Office Action, claims 27-28, 30-38, 50-51, 53-5, 57-68, and 70-81 were rejected under either 35 U.S.C. §102 or §103 in view of U.S. Pat. Publication No. 2002/0031486 to Lunsmann, et al. However, Lunsmann, et al. does not teach or suggest a sanitizing formula having a pH of greater than about 8, as now required by independent claims 27 and 35. In fact, Lunsmann, et al. only discloses a pH of between about 5 and 5.5. As agreed in the interview, independent claims 27 and 35 are patentable over Lunsmann, et al., either alone or in any combination.

Also, in the Office Action, claims 27-38 and 50-55 were rejected under 35 U.S.C. §103 in view of U.S. Pat. Publication No. 2002/0103098 to Harrison, et al. Like Lunsmann, et al., Harrison, et al. also fails to teach a solution having a pH value of greater than about 8. Harrison, et al. does disclose the use of an option pH adjusting agent or buffer composition. See, Paragraph 58. However, Harrison, et al. fails to teach or suggest a pH range for their compositions. In fact, Harrison, et al. teaches that an effective amount of an organic acid may be used to adjust and maintain the pH of their compositions. Presumably, an organic acid would lower the pH of Harrison, et al.'s composition. Thus, Applicants respectfully submit that Harrison, et al. actually teaches away from a solution having a pH of greater than about 8, such as required by independent claims 27 and 35.

Furthermore, as discussed in the interview, Harrison, et al. expressly requires the use of a carboxylate or N-acyl amino acid surfactant, which are both anionic surfactants.

In stark contrast, the sanitizing formulation of independent claims 27 and 35 specifically excludes the presence of an anionic surfactant ("a surfactant component that consists essentially of one or more nonionic surfactants"). As discussed in the interview, the presence of an anionic surfactant can adversely affect the effectiveness of the benzalkonium halide, of which the benzalkonium cation is the effective antimicrobial agent. For example, an anionic surfactant can ionically bond to the benzalkonium cation and reduce the amount of benzalkonium cations available to kill the microbes. In some instances, the presence of an anionic surfactant could even precipitate the benzalkonium cation from the sanitizing formulation. Applicants submit that exclusion of the anionic surfactants required by Harrison, et al. is in direct contrast with Harrison, et al.'s express teachings. Thus, Applicants respectfully submit that independent claims 25 and 37 are allowable in view of Harrison, et al.

Additionally, Harrison, et al. fails to teach or suggest several other aspects of the limitations of independent claims 25 and 37, including the Kill Efficiency Ratio and that the benzalkonium halide is present within a released solution in an amount less than about 2000 parts per million of the released solution, while attaining a high log reduction for *E. coli*, *S. Aureus*, or both. In fact, Harrison, et al. completely fails to recognize that it is beneficial to know the contents of the solution the wiper is releasing, or more particularly, to know and control the benzalkonium halide content within that released solution. Control of the amount of benzalkonium halide within the released solution is especially important during use of the wiper in food surface applications.

The dependent claims were also rejected under one or both of the above-discussed references. Applicants respectfully submit that at least for the reasons

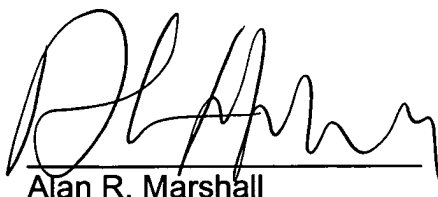
indicated above relating to independent claims 27 and 35, dependent claims 28-34, 36-38, 49-51, and 53-54 patentably define over the reference(s) cited. However, Applicants also note that the patentability of dependent claims 28-34, 36-38, 49-51, and 53-54 does not necessarily hinge on the patentability of independent claims 27 and 35. In particular, some or all of the dependent claims are believed to possess features that are independently patentable, regardless of the patentability of claims 27 and 35.

As such, for at least the reasons set forth above, Applicants respectfully submit that the present claims patentably define over all of the prior art of record. It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Boyd is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read 'Alan R. Marshall', written over a horizontal line.

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